

A BILL

To authorize (1) a transfer of credit between the Central Intelligence Agency Retirement and Disability System and the social security system and (2) social security minimum benefits for annuitants under the Central Intelligence Agency Retirement and Disability System, and for other purposes.

1 Be it enacted by the Senate and House of Representatives of
2 the United States of America in Congress assembled, That the
3 Central Intelligence Agency Retirement Act of 1964 for Certain
4 Employees (78 Stat. 1043; 50 U.S.C. 403 note) is amended by
5 adding a new subsection to 204 (b) as follows:

6 "(4) 'Tax equivalent' means an amount equal to the taxes which
7 would have been payable (but which have not been paid) under
8 section 3101 of the Internal Revenue Code of 1954 with respect
9 to service after June 30, 1968, during which the participant was
10 subject to this Act, if the basic salary received by him for such
11 service had at the time constituted remuneration for employment
12 for purposes of title II of the Social Security Act."

13 SEC. 2. Subsection 232 (a) of the Central Intelligence Agency
14 Retirement Act (50 U.S.C. 403 note) is amended to read as follows:

15 'SEC. 232. (a) In case a participant dies and no claim for
16 annuity is payable under the provisions of this Act, his contributions

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2 SEC. 3. The heading immediately preceding section 241
3 and subsection 241 (a) of the Central Intelligence Agency Retirement
4 Act (50 U.S.C. 403 note), are amended to read as follows:

5 "PART E---LUMP-SUM PAYMENTS

6 "SEC. 241. (a) Whenever a participant becomes separated
7 from the Agency without becoming eligible for an annuity or a
8 deferred annuity in accordance with the provisions of this Act,
9 his lump-sum credit consisting of (1) his compulsory and special
10 contributions to the fund less (2) in the case of a participant sepa-
11 rated after 1969, the tax equivalent as defined in section 204 plus
12 (3) interest thereon at 4 per centum per annum to December 31,
13 1947, and 3 per centum per annum thereafter compounded annually
14 to December 31, 1956 (or, in the case of a participant separated
15 from the Agency before he has completed five years of service,
16 to the date of separation) and proportionately for the period served
17 during the year of separation, shall be returned to him."

18 SEC. 4. Immediately following section 291 of the Central
19 Intelligence Agency Retirement Act (50 U.S.C. 403 note) there
20 is hereby added the following new part:

21 "PART K---TRANSFER OF CREDIT TO SOCIAL SECURITY SYSTEM

22 "SEC. 292. If a participant separates from the Agency or
23 transfers to a position wherein he is no longer a participant after
24 1967, and neither he nor any of his survivors is entitled to an

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1 annuity or a deferred annuity under this Act on the basis of his
2 service at the time he or any of his survivors becomes entitled
3 (or would become entitled if his Government service were
4 counted) to monthly benefits or a lump-sum death payment under
5 title II of the Social Security Act on the basis of his wages and
6 self-employment income, the participant's Government service
7 performed after June 30, 1968, shall be taken into account for
8 purposes of the Social Security Act and, if so used, shall not
9 at any time thereafter be creditable for purposes of retirement
10 under this or any other retirement system for Government
11 employees. Upon request from the Secretary of Health, Education,
12 and Welfare in connection with any determination under title II or
13 title XVIII of the Social Security Act, the Director of Central
14 Intelligence shall, consistent with security, furnish a record of the
15 former participant's service and basic salary received for such
16 service performed under this Act after June 30, 1968, and shall
17 certify whether such former participant or any of his survivors is
18 entitled to an annuity under this Act on the basis of such service."

19 SEC. 5. Immediately following section 292 of the Central
20 Intelligence Agency Retirement Act (50 U.S.C. 403 note) there
21 is hereby added the following new part:

22 "PART L---SOCIAL SECURITY MINIMUM BENEFITS

23 "SEC. 293. (a) If after 1967 a participant retires on an
24 immediate annuity, such annuity shall be at least the smallest

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1 "(1) the minimum annuity base as determined under

2 under subsection (e) of this section;

3 "(2) the sum necessary to increase to the minimum

4 annuity base the product of 12 times any monthly bene-

5 fits under title II of the Social Security Act for which

6 he is eligible; or

7 "(3) 80 per centum of his high-five average salary

8 computed under section 221.

9 Except for disability annuitants, this subsection will not apply

10 until the month a participant or annuitant becomes 65 years of

11 age.

12 "(b) If after 1969 a participant dies after completing at

13 least five years of civilian service, or an annuitant dies whose

14 annuity was based on service terminating after 1969, the annuity

15 granted to the widow or dependent widower under section 232 or

16 to the surviving wife or husband under section 221 shall be at

17 least the smallest of---

18 "(1) 75 per centum of the minimum annuity base

19 determined in accordance with subsection (e) of this

20 section for any month before the month in which the

21 survivor becomes 62 years of age, and 82-1/2 per centum

22 of such minimum annuity base for any month thereafter;

23 "(2) the sum necessary to increase to the applicable

24 percentage of such minimum annuity base the product

25 of 12 times any monthly benefit under title II of the

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1 Social Security Act for which the survivor is eligible;

2 "(3) 80 per centum of the deceased's high-five
3 average salary computed under section 221.

4 This subsection does not apply to ---

5 "(A) any surviving spouse under subsection 221 (b)
6 where the deceased annuitant did not elect to provide
7 a survivor annuity based on the full amount of his
8 annuity; or

9 "(B) the annuity of any survivor for any month
10 before the month in which the survivor becomes 62
11 years of age, unless for that month an annuity is pay-
12 able under this title to at least one surviving child of
13 the deceased who is under 18 years of age or is incapable
14 of self-support because of physical or mental disability
15 incurred before age 18.

16 "(C) If after 1969 a participant dies after completing at
17 least 5 years of civilian service, or an annuitant dies
18 whose annuity was based on service terminating after
19 1969, the annuity granted to each surviving child under
20 this title shall be at least the smallest of---

21 "(1) 75 per centum of the minimum annuity base
22 determined in accordance with subsection (e) of this
23 section:

24 "(2) the sum necessary to increase to 75 per

of such minimum annuity base the product of 12

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1 times any monthly benefit under title II of the
2 Social Security Act for which the child is eligible;
3 or
4 "(3) 80 per centum of the deceased's high-five
5 average salary computed under section 221.
6 "(d) The total of the annuity payable to all survivors
7 of a participant or of an annuitant computed under subsection (b)
8 and (c) of this section may not exceed the difference between
9 "(1) the family maximum determined in accordance
10 with subsection (e) of this section, minus
11 "(2) the product of 12 times the sum of all monthly
12 benefits under title II of the Social Security Act for
13 which all the survivors are eligible.
14 Whenever the total of such annuities exceeds such difference,
15 the annuities shall be reduced proportionately except that
16 this subsection shall not act to reduce the annuity of any
17 survivor computed without regard to subsection (b) and (c)
18 of this section.
19 "(e) (1) 'Minimum annuity base' is the greater of (a)
20 the amount computed in accordance with the formula stated
21 in 5 U.S.C. 8331 (18) or (b) the amount appearing in column
22 II of the table in 5 U.S.C. 8331 (18) opposite the amounts in
23 column I of said table which encompass the governing high-five
24 average salary for the case.

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- 1 "(2) "Family maximum" is the amount appearing in
- 2 column III of the table in section 8331 (18) of title 5, United
- 3 States Code, opposite the lowest amount in column II of such
- 4 table which is at least equal to the relevant minimum annuity
- 5 base."